

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

NOV 06 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

RANDY ALLEN DENNISON,

Petitioner,

vs.

MICHAEL FLETCHER, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 17-101-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations on August 20, 2018, recommending that Petitioner Randy Allen Dennison's ("Dennison") Petition (Doc. 1) be denied because his claims either do not survive the deferential review mandated by 28 U.S.C. § 2254(d) or are procedurally defaulted and lacking in merit. (Doc. 16 at 22.) Dennison did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d


422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 16) are ADOPTED IN FULL. Dennison's Petition (Doc. 1) is DENIED. Claims 1-8 and 10-11 do not survive deferential review under AEDPA. Claim 9 is procedurally defaulted and lacks merit.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter a judgment in favor of Respondents and against Petitioner.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 6th day of November, 2018.



Dana L. Christensen, Chief Judge
United States District Court